

MEMORANDUM OF LAW

DATE: September 17, 1986

TO: John Kern, Executive Assistant to
Councilwoman McCarty

FROM: City Attorney

SUBJECT: Use of Conference Room

You asked for our advice on the use of a conference room in a public building for a prayer breakfast. As you can readily appreciate this presents "constitutional conflicts of the highest order," *Bender v. Williamsport Area School Dist.*, 563 F.Supp. 697, 699 (M.D. Pa. 1983) reviewed and remanded on other grounds, 46 S.Ct.Bull. B1463 (1986).

While the precise contours of our constitutional balance between free exercise of religion and the separation of church and state remain unexplored, the court in *Bender v. Williamsport Area School Dist.*, supra upheld a student initiated prayer club's right to meet at a public high school. We find both the holding and the reasoning persuasive. Since the use of the conference room in question is limited to nonworking hours, fosters communication and neither advances nor inhibits a particular religion, the use of the conference room for a prayer breakfast admits of no constitutional infirmity.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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